



**EXAMINING BOARD OF PSYCHOLOGY
MEETING MINUTES**

January 18, 2008

LOCATION:

**Department of Health
310 Israel Road Southeast, Rm 152/153
Tumwater, Washington 98501**

BOARD MEMBERS PRESENT:

Thomas Wall, Ph.D., Chair
Carol Pahlke, Ph.D., Vice-Chair
Ray Harry, Public Member
Christine Guzzardo, Ph.D.
Benjamin Johnson, Psy.D.
Timothy Cahn, Ph.D.
Jorge Torres-Saenz, Psy.D.

BOARD MEMBERS ABSENT: Decky Fiedler, Ph.D.

STAFF PRESENT:

Robert Nicoloff, Executive Director
Karen Kelley, Deputy Executive Director
Betty Moe, Program Manager
Leslie Magby, Acting Program Manager
Tammy Kelley, Disciplinary Manager
Joleen Karl, Disciplinary Manager
Jo Minor, Program Representative
Judy Young, Staff Attorney
Miranda Bayne, Staff Attorney

AAG PRESENT: Mark Calkins, Assistant Attorney General (AAG)

On January 18, 2008 the Examining Board of Psychology (Board) met in Tumwater, Washington at Department of Health, 310 Israel Road Southeast, Tumwater, Washington 98501, in accordance with the Open Public Meetings Act. The meeting agenda was e-mailed to members of the Examining Board of Psychology Listserv.

OPEN SESSION

1. CALL TO ORDER – Thomas Wall, Ph.D., Chair

9:19 AM

1.1 The agenda was approved with the following amendments:

- Item 12 was removed. Signature approval has been completed through June 2009.
- Item 11 was moved to follow item 13.
- Addition of item 15 – A discussion about an ad-hoc student member attending board meetings.
- Leslie Magby, Acting Program Manager was introduced to board members.

1.2 The meeting minutes from November 9, 2007 were approved as written.

2. EXAMINING BOARD OF PSYCHOLOGY SUB-COMMITTEES

Board members broke into sub-committees to review the status of current projects. The following sub-committees had items to report:

The **Examination Sub-Committee** reported that they had reviewed the last two examinations, in order to establish a protocol for future examinations. The protocol includes the following steps:

1. Ray Harry will work with Shannon McMillan, Credentialing Manager to select examination questions 30-40 days before the actual examination date.
2. The examination questions will be sent to the Examination Sub-Committee and Mark Calkins for review and approval.
3. If there are no changes, the examination questions will be processed.
4. Examinations will continue to be monitored by sub-committee.

Mark Calkins will review the examination questions incrementally.

A process is currently being developed for the approval of accommodations requests, to be presented at the February 29th board meeting.

A Board member felt that it would be useful for exam candidates to bring their own materials into the examination, and questioned why it was not allowed. Other board members felt this would give them an unfair advantage, as the intent of the examination is to teach them how to use the laws, rather than study them.

The **Training-Licensee Orientation Sub-Committee** reported the next orientation will be on February 28, 2008. The presentation needs to be approved by the Communications Office beforehand. Ray Harry, Benjamin Johnson, and Carol Pahlke will be the presenting board members. Tammy Kelley, Disciplinary Manager and Don Painter, Investigator will be Department of Health staff presenters. Mark Calkins will be the presenting AAG.

The second presentation will be held on November 13, 2008 at the WSU campus in Vancouver.

The **Ethics & Standards of Practice Sub-Committee** reported that they will be working together after all members of the sub-committee have reviewed the necessary documentation.

Jorge Torres-Saenz moved to create a sub-committee which will address competency issues along with review continuing education audits. The motion was amended by Ray Harry to include current disciplinary panels will be used for reviewing continuing education audits. The motion passed.

Mark Calkins recommended a protocol be established. Mr. Calkins suggested the sub-committee authorize one or two board members to complete the initial review, screen for problems, and only the continuing education audits with problems would be brought back to the board. Board members agree that under the current law, a process is necessary to get the job done. The sub-committee would review continuing education audits and prospectively address competency issues. The new sub-committee members will include Jorge Torres-Saenz, Ray Harry, Timothy Cahn, and Christine Guzzardo.

3. DISCUSSION OF RCW 18.83.200(6) – Robert Nicoloff, Executive Director and Betty Moe, Program Manager

RCW 18.83.200(6) states that any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

There are currently six professionals the board has determined eligible to use the term, "social psychologists." The board reviewed two additional requests that had been received by the Department, from Gary Namie, Ph.D. and Carmela Washington-Harvey.

Mark Calkins explained that RCW 18.83.200(6) does not allow a person to practice as a psychologist, only to use the title "social psychologist." If someone doesn't meet the qualifications, department staff will send a letter requesting they provide additional documentation, verifying their major is "adequate." One board member felt an interpretation was needed from the university Gary Namie attended, in order to make a decision. Board members voted; four members accepted and three members opposed the vote. Christine Guzzardo moved to send the same letter to Ms. Washington-Harvey as Gary Namie. The motion passed.

ACTION – Leslie Magby will draft a response letter to Gary Namie and Carmela Washington-Harvey.

4. MANAGER REPORTS

- 4.1** Betty Moe notified board members the public member position has not yet been filled and the recruitment process is still ongoing.

4.2 Betty Moe discussed current licensing statistics with Board members.

Credentialing Statistics-January 2008

Active	1963
Military	5
Retired Active	88
Expired	860
Retired	14

4.3 Betty Moe discussed the current budget with board members. At this time, the department does not have any projected fee increases for psychologists, based on legislation I-960. The December 2007 interim report indicated a current balance of \$306, 207.

4.4 Robert Nicoloff discussed the current Registered Counselor (RC) legislation. The RC legislation is sponsored by the Governor, and would create seven new categories, abolishing the RC credential. Some of the controversies include private practice counselors and their unresolved title. The new legislation would require a Bachelor's degree in counseling or equivalent, which would be established by rulemaking. At this time, the bill refers to private practice counselors as "Certified Counselors." There would be a grandparenting process which requires core courses and testing. Another controversy is their scope of practice of these individuals. Currently, "mental disorder" and "psychotherapy" are not defined. Rulemaking will be challenging on this topic, but necessary.

New legislation is expected on disciplinary reforms but there is no information at this time.

Changes to the UDA and the way the department does business, are coming.

5. PUBLIC COMMENT

Dr. Lucy Homans reported that a hearing regarding SB6456 will be held January 24, 2008 at 10:00a.m. One of the major concerns is that if counselors cannot diagnose or treat mental disorders, how will they be able to refer clients? Dr. Homans commented the Washington State Psychological Association supported the Department of Health Performance Audit recommendations to abolish the RC credential. Dr. Homans reported a hearing was being held January 24, 2008 also regarding SB6458. This bill would amend RCW 18.130 to allow boards and commissions to demand records being requested, be turned over in a certain number of days or they could be fined. This would require access to board, commissions, and the Secretary's office. The draft of SB6458 adds new sections to RCW 18.83, which includes an operating agreement between the Department and boards, to allow boards to hire their own Executive Directors.

6. ASSISTANT ATTORNEY GENERAL (AAG) REPORT

Mark Calkins discussed a memo regarding Forensic Evaluations as "practice of psychology." It was determined that under the statutory definition, RCW 18.83.010(1), a psychologist performing forensic evaluations is practicing psychology and is subject to the requirements of RCW 18.83 and the related rules, WAC 246-924.

(Lunch was provided to members of the board.)

7. REQUEST FOR LIST & LABELS

- 7.1** Mark Calkins referenced RCW 42.56.070, which states that (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6), this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.
- 7.2** Mark Calkins suggested that requests for lists and labels are treated in the same manner as normal record requests, if they are not requesting the information for commercial purposes. Mr. Calkins advised if the Department refuses to provide the requested information, a person may argue they were denied public records and ultimately the Department can receive a penalty, including paying a fine, legal costs, etc. Board members reviewed Procedure 421: Lists of Credential holders, including Labels. Ray Harry moved to adopt the procedure which included delegation of certain decision making to department staff, as outlined in the procedure. Board members also motioned to delegate the decision making outlined in Procedure 421 to Department of Health staff. The motion passed.
- 7.3** The board approved the requests for the release of lists and labels from the following groups:
- University of Washington Educational Outreach, University of Washington School of Social Work
 - Institute for Natural Resources

8. CONSENT AGENDA

The items listed under the consent agenda (informational items) are considered routine agency matters and will be approved by a single motion of the Board without separate discussion.

- 8.1** December issue of “The Sentinel News for Department Employees.”
- 8.2** “We Aspire” Health Professions Quality Assurance December 2007 monthly report.
- 8.3** Washington Psychologist – December 2007.

No items were removed from the consent agenda for discussion.

9. RULES UPDATES – Betty Moe

- 9.1 Sexual Misconduct Rules** - The rules are intended to help psychologists avoid sexual misconduct and to educate consumers about what they should expect from psychologists. Rules may not reduce or eliminate complaints of sexual misconduct behaviors by psychologists, but they establish a basic criterion that creates consistency for practitioners, the department, and the public as complaints are evaluated and investigated and as disciplinary action is taken when there are violations. Board members reviewed the letter from Mary Selecky, commending the board for the adoption of sexual misconduct rules and sanction guidelines. The sexual misconduct rules became effective December 22, 2007.
- 9.2 Rules Related to Barriers Legislation** – These rules identify minimum educational curriculum requirements, clarify the practicum requirements, identify the requirements of the pre-internship experience option; this experience opportunity was created in response to the elimination of the post-doctoral experience requirement, identify the requirements of the internship period, identify the requirements of the post-doctoral experience option, if the pre-internship experience was not met and identify approved supervisors. The rules will become effective September 1, 2009. Board members agreed there is a huge shortage of internship sites and many applicants may end up getting their hours post-doctoral. Graduate students must be notified they should be aware of the educational requirements in other states. Psychologists who are currently licensed in the state of Washington are having difficulties becoming licensed in other states.
- 9.3 Rules Related to the Oral Examination** - The passing of ESSB 6554 in 2004 gave the board flexibility in the types of examination required for licensure. The board has determined that the oral examination required for psychology licensure is not an appropriate tool to measure a candidate's knowledge, skill, and ability to practice psychology. After considerable stakeholder work, consultation on a state and national level, and after much discussion, the board decided to eliminate the oral examination and instead require a written jurisprudence examination. The rule sections pertaining to the oral examination must be amended to include the jurisprudence examination and remove references to the oral examination. A rules hearing will be held on February 29, 2008. These rules will be discussed at that time.
- 9.4 Mandatory Report Rules** – These proposed rules require mandatory reporting of unprofessional conduct or inability to practice with reasonable skill or safety. There was a conference call regarding the proposal held on December 20, 2007 from 1:30 p.m. to 2:30 p.m. The department plans to file a CR102 by the end of the month, with a hearing early in March.

10. TWO DAY RETREAT DISCUSSION – Thomas Wall, Ph.D., Chair

Board members discussed options for a retreat in the fall. Jorge Torres-Saenz mentioned Dr. David Walker, a professor at Argosy University, volunteered to facilitate the meeting at no cost. The agenda for the retreat will include the following:

- Test taking accommodations
- Review goals and plans - Strategic plan
- Competency issues
- Business plans to increase efficiency
- ASPPB licensure mobility
- Practice standards - RxP

ACTION – Board members will email possible retreat dates that work for them to Leslie Magby.

11. PROCEDURE 205 – INITIAL ASSESSMENT AND CASE DISPOSITION DECISIONS.

Tammy Kelley discussed Procedure 205 – Initial Assessment and Case Disposition Decisions. This procedure provides criteria for consistent, fair, and uniform decisions and disposition of reports and complaints. As the disciplining authority, the board was asked to adopt and use this procedure. Changes outlined in the procedure include the archive retention schedule being modified to allow records to be kept for a longer period of time. The Case Management Team (CMT) as mentioned in the procedure refers to department staff, but may also include board panels. The main change of procedure 205 is the department will now provide prior actions and complaint information. Ray Harry moved to adopt Procedure 205. The motion passed. Tammy Kelley discussed changes to the Case Disposition Worksheet the board currently uses. Using a faxed copy of the worksheet will help expedite the process.

12. DELEGATION OF SIGNATURE AUTHORITY FOR LEGAL FORMS AND RULES BY THE BOARD

Betty Moe presented the board with the delegation form to allow Thomas Wall, the newly elected board chair to sign rules approved by the Board. This included: CR101s, CR102s, and CR103s.

13. REVIEW OF THE PSYCHOLOGICAL SERVICES SECTION OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Thomas Wall discussed a legislative bill that passed, which requires all law enforcement applicants to pass a pre-employment psychological examination. Jim Shaw has offered to discuss the issue of pre-employment psychological exams at an upcoming meeting.

14. CASE PRESENTATIONS

STIPULATED FINDINGS OF FACT

Respondent: Albert J. Bernstein: PY00000556

Docket Number: 07-06-A-1022PY

Staff Attorney: Miranda Bayne

The Stipulated Findings of Fact was accepted as presented.

15. FUTURE AGENDA ITEMS – Thomas Wall, Ph.D., Chair

Discussion and development of future meeting agenda items.

- Update on Mandatory Reporting Rules.
- Discussion on choosing supervisors for orders.

CLOSED SESSION

16. CASE PRESENTATIONS & CONTINUING EDUCATION AUDIT REVIEWS

16.1 STIPULATION TO INFORMAL DISPOSITION

Staff Attorney: Judy Young

16.2 Board members broke into panels to discuss and determine whether the cases presented should be investigated, closed, or moved to the informal or formal resolution process.

16.3 Board members broke into panels to review and determine whether continuing education materials submitted during the audit meet the continuing education requirements.

The next schedule meeting dates for 2008:

- **February 29th** - Everett
- **April 11th** – Department of Health, 310 Israel Road, Point Plaza East, Room 152/153, Tumwater
- **May 23rd** – Department of Health, Kent
- **July 11th** – Tumwater
- **August 22nd** – Seattle
- **September 26th** – Department of Health, 101 Israel Road, Town Center 1, Room 163, Tumwater
- **November 14th** – Vancouver Area

Presentation dates

- **February 28th** – Everett
- **November 13th** – Vancouver Area

17. ADJOURNMENT – Thomas Wall, Ph.D., Chair

4:35 PM

Submitted by:

Signature on File

Leslie Magby, Acting Program Manager
Examining Board of Psychology

Approved by:

Signature on File

Thomas Wall, Ph.D., Chair
Examining Board of Psychology